

LEVIN-EPSTEIN & ASSOCIATES, P.C.

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April 15, 2022

Via Electronic Filing

The Honorable Judge Katherine Polk Failla, U.S.D.J.
U.S. District Court, Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Rapozo v. Schwartz et al*
Case No.: 1:21-cv-10925-KPF

MEMO ENDORSED

Dear Honorable Judge Failla:

This law firm represents Plaintiff Rafael Rapozo (the “Plaintiff”) in the above-referenced matter.

Pursuant to Your Honor’s Individual Motion Practice Rules 4, this letter respectfully serves to withdraw Plaintiff’s pending Emergency Motion for a Preliminary Injunction [Dckt. Nos. 13-16] (“Plaintiff’s Motion”).

The parties met and conferred on April 14, 2022 and April 15, 2022. Defendants Martin Schwartz and Carroll Place Realty LLC (together, the “Defendants”) take the position that Plaintiff is entitled to re-file the proposed amended complaint, as of right, pursuant to Federal Rule of Civil Procedure (“Fed.R.Civ.P.”) 15(a)(1)(B).

In light of the foregoing, Plaintiff intends to re-file the previously filed proposed first amended complaint [Dckt. No. 16-1] pursuant to Fed.R.Civ.P. 15(a)(1)(B).

We thank the Court for its attention to this matter, and are available at the Court’s convenience to answer any questions related to the foregoing.

Respectfully submitted,
LEVIN-EPSTEIN & ASSOCIATES, P.C.

By: /s/ Jason Mizrahi
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VIA ECF: All Counsel

Application GRANTED. Plaintiff's motion to withdraw his pending motion for injunctive relief is granted. In light of this request, the Clerk of Court is directed to terminate the pending motion at docket entry 13.

Plaintiff shall further be permitted to file an Amended Complaint. Accordingly, the document located at docket entry 26 shall be treated as the currently operative pleading in this matter. On or before May 2, 2022, the parties shall submit a joint status letter regarding next steps in this matter, including whether the parties' wish to continue in the court-annexed mediation program or proceed with the litigation.

The Clerk of Court is directed to terminate the pending motion at docket entry 25.

Dated: April 18, 2022
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE